

## REMARKS

Responsive to the Office Action mailed February 3, 2009, Applicant thanks Examiner for his thorough examination of the application. Claims 17-27 are currently pending. After entry of this Amendment, claims 17, 18, 21, 23-25, and 27 will remain pending. In view of the following remarks, Applicant respectfully submits that the application is in condition for allowance.

### **Claim Objections**

Claim 27 was objected to because of the informality of an omitted subscript. Applicant has amended the claim to correct this omission, and Applicant respectfully requests that the objection be withdrawn.

The Abstract was objected to under 37 C.F.R. § 1.72 as exceeding one paragraph. Applicant has amended the Abstract to correct this informality, and Applicant respectfully requests that the objection be withdrawn.

### **Claim Rejections Under 35 U.S.C. § 112, first paragraph**

Claims 19, 22, 23, 25, and 26 were rejected under 35 U.S.C. § 112, first paragraph, as being unpatentable for lack of enablement.

Even though Applicant disagrees with this rejection, Applicant has cancelled claims 19, 22, and 26 and has amended claims 23 and 25 to depend from claim 24, which Examiner did not cite as not enabled. Applicant respectfully requests withdrawal of the rejection.

### **Claim Rejections for nonstatutory obviousness-type double patenting**

Claims 17-27 currently stand rejected by the Examiner on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 7,056,866 (the '866 patent). Applicant files a terminal disclaimer contemporaneously with the present response to address the Examiner's provisional rejection. Therefore, Applicant hereby disclaims the terminal portion of any patent granted on the present application to the extent it extends beyond the expiration of the '866 patent as set forth in 35 U.S.C. §§ 154 and 173. Both the '866 patent and the instant application are currently owned by the same entity, The University of Houston.

Based on the preceding comments and the Terminal Disclaimer, Applicant submits that independent claims 17, 18, 20, 21, 24, and 27 are allowable. Dependent claims 23 and 25 depend from allowable independent claim 24, and Applicant submits that these claims are also allowable.

## CONCLUSION

In view of the above, it is respectfully submitted that all of the claims presented herein are now in condition for allowance. If the Examiner has any questions regarding this Response and Amendment please do not hesitate to call the undersigned at the telephone number indicated below.

Respectfully submitted,

/Lester Hewitt/ July 31, 2009

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